

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ALFREDO FELIX,  
  
                    Petitioner,  
  
                v.  
  
ERIC ARNOLD, Warden,  
  
                    Respondent.

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Case No. 5:17-cv-00439-JWH (SK)

**ORDER (1) ACCEPTING REPORT  
AND RECOMMENDATION TO  
DENY FIRST AMENDED  
PETITION AND (2) DENYING  
CERTIFICATE OF  
APPEALABILITY**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the attached Report and Recommendation to deny the First Amended Petition, any pertinent records, and Petitioner's objections. None of those objections materially alters or affects the findings and conclusions in the Report and Recommendation. The Court therefore concurs with and **ACCEPTS** the Report and Recommendation to deny the First Amended Petition.

The Court also finds, for the reasons stated in the Report and Recommendation, that Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Therefore, it is hereby **ORDERED** as follows:

1. The First Amended Petition is **DENIED**.
2. Judgment shall be entered **DISMISSING** this action **with prejudice**.
3. A certificate of appealability is **DENIED**.

**IT IS SO ORDERED.**

DATED: February 13, 2023

  
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HON. JOHN W. HOLCOMB  
U.S. DISTRICT JUDGE